

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

v.

UNKNOWN MONELLI, Douglas
County Sheriff's deputies, and JOHN
DOE, Douglas County Sheriff's
deputies,

Defendants.

8:08CV12

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On April 4, 2008, the court entered an order conducting an initial review and found that Plaintiff's Complaint failed to state a claim upon which relief may be granted. ([Filing No. 6.](#)) However, the court granted leave for Plaintiff to amend his Complaint by May 12, 2008. (*Id.*) The court warned Plaintiff that failure to file an amended complaint by that deadline would result in the dismissal of this matter without further notice. (*Id.* at CM/ECF p. 4.) Plaintiff has not filed an amended complaint or any other response to the court's order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because the Complaint fails to state a claim upon which relief may be granted pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#).
2. A separate judgment will be entered in accordance with this Memorandum and Order.
3. The Clerk of the court is directed to place the "28USC1915(g)_STR" flag on this matter.

May 19, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge